

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

CVS CORPORATION,

Defendant.

06 Civ. _____

**DECLARATION OF CHRISTIAN SCHAFFNER IN SUPPORT OF
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

I, Christian Schaffner, hereby declare as follows:

1. I am Chairman of the Board of Plaintiff Zino Davidoff SA ("Zino Davidoff").
2. My position with Zino Davidoff enables me to have access to all aspects of the company, including all information on trademarks.
3. I make this affidavit based on my personal knowledge of this case, as well as of the business of Zino Davidoff.
4. Zino Davidoff is a joint stock company duly constituted under the laws of Switzerland whose wide array of products for men and women are offered for sale throughout the world.
5. Zino Davidoff is the owner of numerous incontestable U.S. trademark registrations for its marks for, *inter alia*, perfume and eau de toilette, including Reg. No. 2,609,218 for DAVIDOFF, Reg. No. 1,439,621 for DAVIDOFF and Design, Reg. No. 1,735,958 for DAVIDOFF COOL WATER and Design, Reg. No. 2,723,215 for DAVIDOFF COOL WATER in Design for men's bottle shape and Reg. No. 1,735,965 for COOL WATER. True

and correct copies of the foregoing registrations are annexed hereto as Exhibit A. All of these registrations are valid, subsisting, and in full force and effect.

6. The DAVIDOFF brand was created in Geneva, Switzerland in 1911. Today DAVIDOFF is one of the world's most well-known and highly respected brands for luxury products, including several fine fragrances.

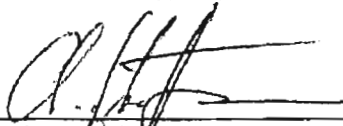
7. The trademarks DAVIDOFF COOL WATER and COOL WATER have been used in Europe since 1988 and in the United States since 1991 in association with fragrances and related products. The COOL WATER trademark has been registered in numerous countries throughout the world both alone and together with the DAVIDOFF house mark, as well as in stylized form.

8. Zino Davidoff's products are considered luxury items and are highly regarded as such throughout the world. Therefore, the DAVIDOFF name and trademarks have become highly distinctive of the products and services related thereto. The DAVIDOFF COOL WATER line is among the best selling and most prestigious brands in the world for fragrance products.

9. Zino Davidoff faces severe harm if CVS is not enjoined from selling its counterfeit fragrances. Zino Davidoff, together with its carefully chosen licensees, has built the reputation and goodwill associated with the DAVIDOFF brand for decades through extensive advertising and rigorous control of both product quality and the distribution channels through which DAVIDOFF luxury products are sold. CVS's counterfeits seek to trade on this reputation and goodwill, and invariably tarnish Zino Davidoff's reputation and valuable trademarks.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: December 13, 2006



Christian Schaffner

EXHIBIT A

1521557

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

September 28, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,439,621 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *May 12, 1987*
SECTION 8 PARTIAL & 15

SAID RECORDS SHOW TITLE TO BE IN:

ZINO DAVIDOFF SA

A SWITZERLAND CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

T. Wallace
T. WALLACE

Certifying Officer



Int. Cls.: 3 and 30

Prior U.S. Cls.: 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 1,439,621

Registered May 12, 1987

TRADEMARK
SUPPLEMENTAL REGISTER

The Davidoff logo is a stylized, cursive script of the word "Davidoff". The letters are fluidly connected, with a prominent 'D' and 'f'. The logo is underlined with a double horizontal line.

DAVIDOFF EXTENSION S.A. (SWITZERLAND
CORPORATION)
ALPENSTRASSE 14
ZOUG, SWITZERLAND

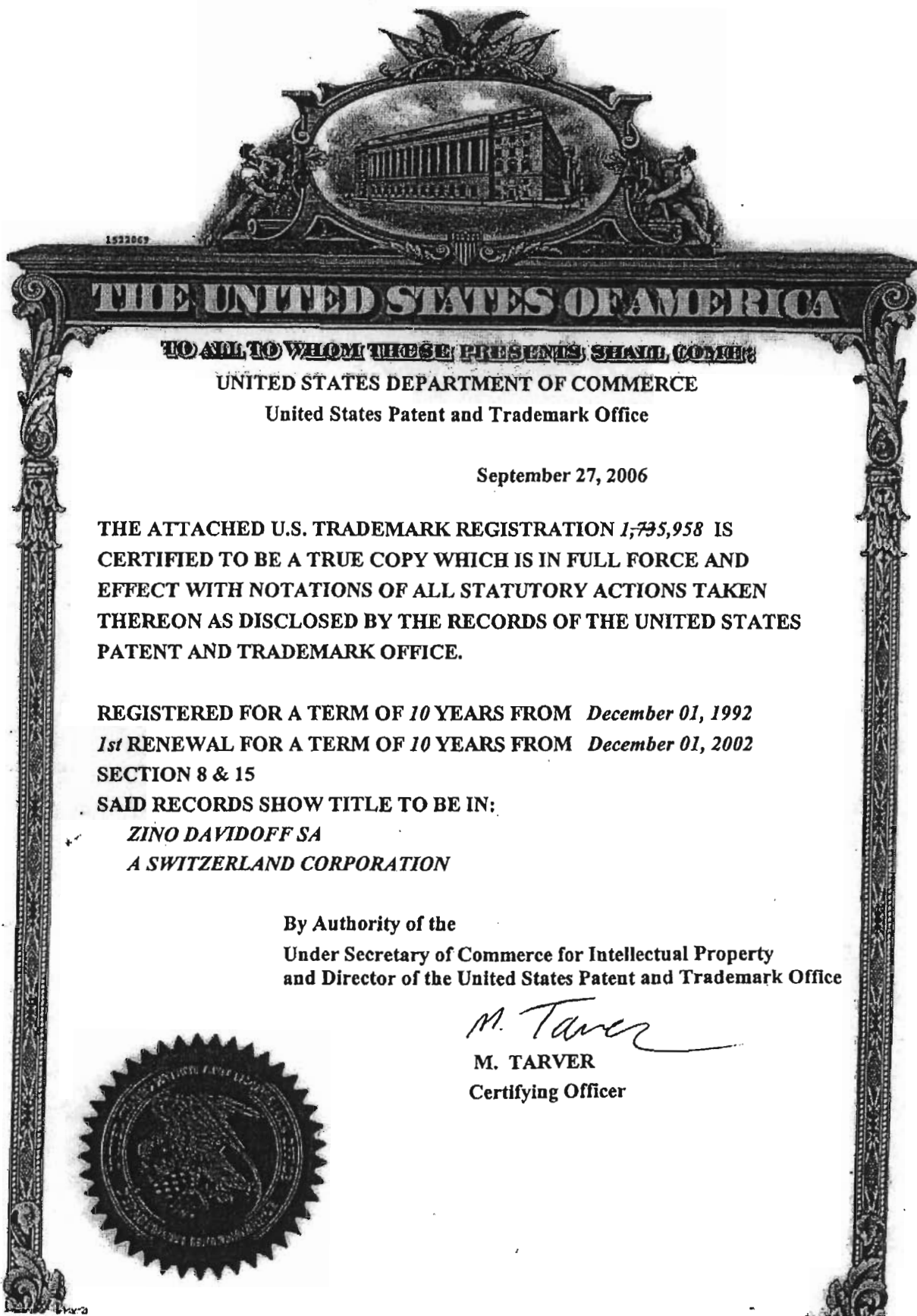
FOR: TOILET WATER, SHAVING CREAM,
AFTER SHAVE, AFTER SHAVE CREAM,
MOISTURIZING CONCENTRATE, SHOWER
GEL, BODY LOTION, DEODORANT SPRAY,
DEODORANT STICK, ANTI-PERSPIRANT,
BATH SOAP, PERFUME, HAIR LOTION AND
DENTIFRICE, IN CLASS 3 (U.S. CLS. 51 AND
52).

FOR: COFFEE, TEA, SPICE, COCOA, SUGAR,
RICE, TAPIOCA, SAGO, FLOUR, BREAD, BIS-
CUITS, CAKES, PASTRY, CANDY AND FLA-
VORED OR FRUIT ICES, IN CLASS 30 (U.S. CL.
46).

OWNER OF SWITZERLAND REG. NO.
338119, DATED 2-2-1985, EXPIRES 2-2-2005.

SER. NO. 553,140, FILED P.R. 8-12-1985; AM.
S.R. 12-18-1985.

MICHAEL HAMILTON, EXAMINING ATTOR-
NEY



Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

United States Patent and Trademark Office

Reg. No. 1,735,958

Registered Dec. 1, 1992

TRADEMARK
PRINCIPAL REGISTER

Davidoff
Cool Water

DAVIDOFF EXTENSION S.A. (SWITZERLAND
CORPORATION)
ALPENSTRASSE 14
6300 ZUG, SWITZERLAND

FOR: TOILETRIES; NAMELY, EAU DE TOI-
LETTE, AFTERSHAVE LOTION, SKIN ENER-
GIZER (TONIC), SHOWER GEL, SHAMPOO,
BODY LOTION, PERSONAL DEODORANTS
AND ANTIPERSPIRANTS, AND BODY SOAP,
IN CLASS 3 (U.S. CLS. 51 AND 52).

FIRST USE 6-0-1988; IN COMMERCE
6-6-1989.

OWNER OF U.S. REG. NOS. 1,432,571, 1,538,769
AND OTHERS.

SER. NO. 74-153,663, FILED 4-1-1991.

STEPHEN JEFFRIES, EXAMINING ATTOR-
NEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,723,215

Registered June 10, 2003

**TRADEMARK
PRINCIPAL REGISTER**



DAVIDOFF & CIE SA (SWITZERLAND CORPORATION)
2 RUE DE RIVE
1200 GENEVA, SWITZERLAND

THE STIPPLING ON THE MARK IS USED FOR SHADING PURPOSES ONLY AND IS NOT A FEATURE OF THE MARK.

FOR: EAU DE TOILETTE, AFTERSHAVE LOTION, SKIN ENERGIZING TONIC, SHOWER GEL, HAIR SHAMPOO, BODY LOTION, PERSONAL DEODORANT, ANTIPERSPIRANT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SEC. 2(F).

SER. NO. 76-242,751, FILED 4-17-2001.

FIRST USE 0-0-1988; IN COMMERCE 0-0-1992.

SOPHIA S. KIM, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,609,218

Registered Aug. 20, 2002

**TRADEMARK
PRINCIPAL REGISTER**

DAVIDOFF

DAVIDOFF & CIE SA (SWITZERLAND COR-
PORATION)
2 RUE DE RIVE
1200 GENEVA, SWITZERLAND

FIRST USE 0-0-1984; IN COMMERCE 0-0-1991.

OWNER OF U.S. REG. NOS. 1,052,564, 1,432,571
AND OTHERS.

FOR: COSMETICS, NAMELY, EAU DE TOIL-
LETTE, PERFUMES, PRE-SHAVE AND AFTER-
SHAVE PREPARATIONS, SKIN ENERGIZING
TONIC, SHOWER GEL, BODY SOAP, HAIR SHAM-
POO; SUN PROTECTION, AFTER SUN AND TAN-
NING PREPARATION, BODY LOTION, PERSONAL
DEODORANTS AND ANTIPERSPIRANTS, IN
CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SEC. 2(F).

SER. NO. 76-224,810, FILED 3-13-2001.

LOURDES AYALA, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

United States Patent and Trademark Office

Reg. No. 1,735,965

Registered Dec. 1, 1992

TRADEMARK
PRINCIPAL REGISTER

COOL WATER

DAVIDOFF EXTENSION S.A. (SWITZERLAND
CORPORATION)
ALPENSTRASSE 14
6300 ZUG, SWITZERLAND

AND ANTIPERSPIRANTS, AND BODY SOAP,
IN CLASS 3 (U.S. CLS. 51 AND 52).
FIRST USE 6-0-1988; IN COMMERCE
6-6-1989.

FOR: TOILETRIES; NAMELY, EAU DE TOI-
LETTE, AFTERSHAVE LOTION, SKIN ENER-
GIZER (TONIC), SHOWER GEL, SHAMPOO,
BODY LOTION, PERSONAL DEODORANTS

SER. NO. 74-185,501, FILED 7-16-1991.

STEPHEN JEFFRIES, EXAMINING ATTOR-
NEY